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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/473,765 12/29/99 PARIKKA

M 297-009122-U

EXAMINER

MMC2/0201

CLARENCE A. GREEN
PERMAN & GREEN LLP
425 POST ROAD
FAIRFIELD CT 06430

SEMBER T

ART UNIT

PAPER NUMBER

2875

DATE MAILED:

02/01/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

Office Action Summary

Application No.
09/473,765

Applicant(s)
Parikka et al

Examiner
Thomas M. Sember

Group Art Unit
2875



☒ Responsive to communication(s) filed on Jun 9, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-18 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-18 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 6

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

2. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- 1.) In claim 1, line 2 “wherein” is vague and indefinite. In the preamble the applicant should use the terms “comprising” or “consisting of” when claiming his or her invention.
- 2.) In claim 2, line 2 the alternative language is vague and indefinite.
- 3.) In claim 2, line 3 “the environment” lacks a positive antecedent basis and it is unclear what “the environment” means.

These are just a few examples of the 112 deficiencies in the claims. The applicant is required to correct all such deficiencies in response to this office action.

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Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-7, 9-10, 12 and 15-18 are rejected under 35 U.S.C. 102(b) as being anticipated by (Ishikawa et al '338 or Ishikawa et al '549 or Yoshikawa et al or Yokoyama et al 497' or Yokoyama et al '556). (Ishikawa et al '338 or Ishikawa et al '549 or Yoshikawa et al or Yokoyama et al 497' or Yokoyama et al '556) all disclose a light pipe limited by a certain first surface. The surface comprises patterns. The patterns have diffractive properties for coupling the light out of the light pipe. The patterns further comprise uniform, mutually different areas with a certain distribution on the first surface.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-10, 12 and 15-18 are rejected under 35 U.S.C. 102(b) as being anticipated by (Blonder et al or Kalantar or Miyashita et al). (Blonder et al or Kalantar or Miyashita et al) all

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disclose a light pipe limited by a certain first surface located closest to the display. The surface comprises patterns. The patterns have diffractive properties for coupling the light out of the light pipe. The patterns further comprise uniform, mutually different areas with a certain distribution on the first surface.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

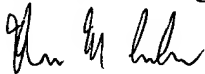
8. Claims 11, 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over discloses the claimed invention except for the specific fill ratios and period lengths of the diffractive surfaces. It would have been an obvious engineering design choice to modify the diffractive surfaces of (Blonder et al or Kalantar or Miyashita et al OR Ishikawa et al '338 or Ishikawa et al '549 or Yoshikawa et al or Yokoyama et al 497' or Yokoyama et al '556) to meet applicant's claimed parameters since the applicant fails to disclose any advantage or any unexpected results obtained in using the specific fill ratios and period lengths and it appears the lights guides of (Blonder et al or Kalantar or Miyashita et al OR Ishikawa et al '338 or Ishikawa et al '549 or Yoshikawa et al or Yokoyama et al 497' or Yokoyama et al '556) would perform equally well at diffracting light.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas M. Sember whose telephone number is (703) 308-1938. The examiner can normally be reached on Monday - Thursday from 8:00 AM - 5:00 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea, can be reached at (703) 305-4939. The fax phone number for this group is (703) 308-7724.

Any inquiries of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 305-4900.



Thomas M. Sember
Primary Examiner

January 21, 2001